

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

ELITE BOSS TECH, INC., et al.,

Defendants.

CASE NO. 2:21-cv-01112-TL

ORDER

This matter is before the Court *sua sponte*. On September 20, 2023, Plaintiff Bungie, Inc., filed notice of voluntary dismissal of all Doe defendants. *See* Dkt. No. 89. On the same day, Plaintiff filed a status report. *See* Dkt. No. 90. Plaintiff states that it “will proceed against the remaining named defendants, all of whom are believed to reside outside of the United States.” *Id.* at 1. Plaintiff further states that “[i]nvestigative efforts to obtain addresses” for those defendants is “ongoing” and “[s]ignificant progress has been made,” but that it “is taking considerable time and effort” to obtain the addresses. *Id.* at 1–2.

1 While a plaintiff must generally serve a defendant within 90 days of filing a complaint,
2 that time limit does not apply to service on a foreign defendant. *See* Fed. R. Civ. P. 4(m)
3 (exempting “service in a foreign country” from the 90-day deadline); *Lucas v. Natoli*, 936 F.2d
4 432, 432 (9th Cir. 1991) (per curiam) (holding the same). But a plaintiff does not have “an
5 unlimited time” for service of process in a foreign country, and the Court may set a reasonable
6 time limit to accomplish such service. *See, e.g., Inst. of Cetacean Rsch. v. Sea Shepherd*
7 *Conservation Soc’y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015) (expressing concerns about
8 failure to serve foreign party and setting a deadline for such service).

9 On May 25, 2023, Plaintiff requested that any deadline for service “not be until at least
10 the end of the year, as it may take that long for Hague Convention service.” Dkt. No. 82 at 6; *see*
11 Fed. R. Civ. P. 4(f)(1) (authorizing service “by any internationally agreed means of service that
12 is reasonably calculated to give notice”); *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486
13 U.S. 694, 699 (1988) (holding Hague Convention mandatory in all cases to which it applies).

14 Accordingly, Plaintiff is ORDERED to file a status report detailing its efforts at service or,
15 if appropriate, a motion for alternative service **by January 31, 2024**.

16 Dated this 21st day of September 2023.

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19 Tana Lin
20 United States District Judge
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